

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRYSTAL DAVIS,
Individually and on Behalf of All Other
Persons Similarly Situated,

Plaintiff,

v.

FOOTBRIDGE ENGINEERING
SERVICES, LLC and
THE FOOTBRIDGE COMPANIES, LLC,

Defendants.

C.A. No. 1:09-cv-11133-NG

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to the Court's Electronic Notice of Scheduling Conference issued in this matter on September 1, 2009, and Local Rule 16.1, the parties submit the following Joint Statement.

I. DESCRIPTION OF THE CASE:

The Defendants provide engineering and IT staffing personnel to companies across the country. The Plaintiff, Crystal Davis, worked for Defendants in 2008 and 2009 on projects in Alabama for a client of the Defendants. Plaintiff alleges that the Defendants denied her overtime compensation for hours worked over 40 in any given workweek. Instead, Plaintiff alleges that Defendant paid her only the regular hourly rate she was paid for straight time (non-overtime) hours in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §207 *et. seq.*. Plaintiff brings this action on behalf of herself and all other similarly situated employees pursuant to 29 U.S.C. §216(b). Defendant contends that, among other defenses, Plaintiff and the other employees she seeks to represent were exempt from the overtime requirements of the FLSA and

were not entitled to receive time and one half their regular hourly rates of pay for hours worked over 40 in any given workweek.

II. DISCOVERY PLAN

The parties agree as to the time and length of discovery in this matter. The parties agree that all discovery, including written discovery and depositions of fact witnesses, is to be completed by May 21, 2010. The parties further agree that discovery in this action shall be governed by the Federal Rules of Civil Procedure and the Local Rules of this Court without modification. However, the parties further agree that either party may seek leave to deviate from the limits contained in those rules at any point in this litigation. The parties have agreed to serve their Initial Disclosures no later than October 9, 2009.

III. MOTION PRACTICE

The parties propose the following scheduling for motion practice, without prejudice to either party seeking leave of Court to extend such deadline:

- (1) Any motion for notice to other employees who may seek to participate in this putative collective action pursuant to 29 U.S.C. § 216(b) shall be filed no later than December 1, 2009.
- (2) All motions pursuant to Fed. R. Civ. P. 56 and/or Fed. R. Civ. P. 12 shall be filed no later than June 4, 2010. With respect to any such motions, all oppositions shall be filed within 21 days of service of the motion and all replies shall be filed within 14 days of service of the opposition.

IV. LOCAL RULE 16(D)(1) CERTIFICATIONS

Certifications signed by the parties, and their counsel, regarding a litigation budget and the feasibility of engaging in alternative dispute resolution are being filed separately from this Joint Statement by the respective parties.

V. CONSENT TO UNITED STATES MAGISTRATE JUDGE

At this time, the parties do not consent to having the trial in this matter heard by a United States Magistrate Judge.

Dated: October 5, 2009

By the attorneys for the Defendants

/s/ **Douglas Hoffman**

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Respectfully submitted,

By the attorneys for the Plaintiff and the Class,

/s/ **Rex Burch**

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ATTORNEYS FOR PLAINTIFF AND
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Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 5, 2009.

/s/ Rex Burch

Richard J. (Rex) Burch